

SERVICE DATE - LATE RELEASE MAY 3, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 170)

UNION PACIFIC RAILROAD COMPANY — ABANDONMENT — IN POLK COUNTY, IA

Decided: May 3, 2002

By decision served on January 16, 2002, the Board granted the abandonment by Union Pacific Railroad Company (UP) of a 3.72-mile line of railroad extending from milepost 221.10 near SE 18th Street to milepost 217.38 near SW 30th Street in Des Moines, Polk County, IA (the line). On January 25, 2002, Mid-America Railroad, L.L.C. (MAR) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27. MAR, however, did not make the required demonstration that it was financially responsible and, accordingly, its OFA was rejected in a decision served on January 30, 2002 (January 30 decision). On February 8, 2002, MAR filed an appeal to the January 30 decision. By decision served on March 22, 2002, the Board granted MAR's appeal and set April 22, 2002, as the deadline for either party to file a request that the Board establish the terms and conditions for the purchase of the line if MAR and UP cannot agree on the purchase price. On April 17, 2002, MAR filed a request for a 14-day extension of the deadline for filing requests for the establishment of terms and conditions.¹ By decision served on April 19, 2002, the Board granted MAR's request and extended the deadline for filing requests for the establishment of terms and conditions to May 6, 2002.

On May 1, 2002, MAR filed another request for a 14-day extension (until May 20, 2002) of the deadline for filing requests for the establishment of terms and conditions. MAR states that it is continuing to negotiate with UP but that the parties are awaiting a response from The Burlington Northern and Santa Fe Railroad Company about MAR's request for the acquisition of rights to use the "Raccoon River Bridge" referred to in UP's abandonment application. Additionally, MAR requests the extension to continue monitoring the litigation involving Iowa Interstate Railroad Company, the short-line railroad that has agreed to serve the line, if MAR acquires it. By facsimile received on May 2, 2002, UP states that it has no objection to MAR's request for an extension of time. Under the circumstances, the request is reasonable and will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By letter filed on April 19, 2002, UP stated it had no objections to MAR's request.

It is ordered:

1. MAR's request to extend the time period for either party to request the Board to establish the terms and conditions of the purchase is granted.
2. If MAR and UP cannot agree on the purchase price, either party may request the Board to establish the terms and conditions of the purchase on or before May 20, 2002.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary